

WEST, WEBB, ALLBRITTON & GENTRY
A PROFESSIONAL CORPORATION

— Established in 1982 —

ATTORNEYS:

STEVEN N. ALLBRITTON +
ROY D. BRANTLEY * +
DONALD DELGADO
TERRANCE D. DILL, JR. +
PATRICK W. FOGARTY
MICHAEL H. GENTRY ** +
BRYAN T. HANNA ****
JENNIFER D. JASPER +
AARON B. MICHELSON
BAILI B. RHODES
JOHN "JAY" RUDINGER, JR.
WELDON RUSSELL ***
JOHN C. WEBB, JR. +
GAINES WEST +

OF COUNSEL:

COURTNEY S. GAIN

*BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

**BOARD CERTIFIED
COMMERCIAL REAL ESTATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

PRINCIPAL OFFICE
1515 EMERALD PLAZA
COLLEGE STATION, TEXAS 77845-1515
TELEPHONE: (979) 694-7000
FACSIMILE: (979) 694-8000

1106 WEST AVENUE
AUSTIN, TEXAS 78701-2020
TELEPHONE: (512) 501-3617

June 30, 2016

WEB SITE: <http://www.westwebblaw.com>

Writer's e-mail: mike.genty@westwebblaw.com

+ Partner

*** BOARD CERTIFIED
ESTATE PLANNING AND PROBATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

**** REGISTERED PATENT ATTORNEY
U.S. PATENT & TRADEMARK OFFICE

Via **REGULAR MAIL**
Via **EMAIL** at Brittan@johnsonlawtx.com

Law Offices of Brittan D. Johnson, PLLC
Attn: Brittan Johnson
P.O. Box 10705
College Station, TX 77842

Re: Response to Letter of Objection to Bid

Dear Mr. Johnson:

This letter is being sent in response to your letter to the College Station Independent School District ("CSISD") Board of Trustees, dated June 29, 2016, by which you have raised allegations that certain business relationships of DWS Development, Inc. with CSISD have not properly been disclosed.

First, please be advised that we are sending notices on behalf of CSISD, dated as of the date set forth above, to Mr. Jeffrey C. Harris and to DWS Development, Inc., the two parties identified in your letter, advising them that certain allegations have been made against them and providing each of them with a copy of your letter describing such allegations. As you know, Texas Local Government Code § 176.013(f) and (g) provide that the local government officer and the vendor, respectively, may file the conflicts disclosure statement not later than the seventh business day after the date such person received notice of the alleged violation from the local governmental entity, in this case, CSISD. Please note that our actions in sending these notices should in no way be construed or otherwise interpreted as CSISD's admission of or agreement with the allegations set forth in your letter. Rather, we are merely taking the prudent step of providing notice of such allegations to the referenced parties.

Since the basis of your objections concerning a lack of disclosure is based on the proposed 2014 Joint Development Agreement between CSISD and DWS Development, Inc., we do want to note for your benefit that this referenced document was in fact never effective or fully executed. Attached please find a letter from our office to Chuck Ellison by which our office confirms that we were notified that DWS Development, Inc. had identified an alternate opportunity to secure an easement, and that the referenced proposed Joint Development Agreement is void and of no effect.

This firm has been engaged by CSISD to review the allegations you have disclosed in your letter. Please be advised that pursuant to Texas Local Government Code § 176.013(e), the CSISD Board of Trustees may, at its discretion, declare the contract with DWS Development, Inc. for the 23.707 acres void. Please note, however, that Texas Local Government Code § 176.006(i) provides that the validity of the subject contract is not affected solely because of the failure of the vendor to comply with the requirements of Texas Local Government Code § 176.006. As we discussed, CSISD accepted the bid submitted by DWS Development, Inc. and, consistent with the resolution adopted at the most recent meeting of the CSISD Board of Trustees, may proceed with the execution of the approved contract for the sale of the subject property to DWS Development, Inc.; provided that the statutory options set forth above will be available to CSISD to the extent applicable. Prior to closing on the referenced transaction, the CSISD Board of Trustees will have an opportunity to review the allegations you have set forth.

Because CSISD is under contract to purchase property from BCS Rock Prairie LP (the Mission Ranch site) and that purchase is contingent on the sale of the above referenced 23.707 acres, we are also providing notice of these allegations to BCS Rock Prairie LP, in care of Clint Cooper, to advise them of this issue and the potential risk to closing on the contract.

Sincerely,



Michael H. Gentry

Enclosure

cc: Clark Ealy (cealy@csisd.org)

Mike Martindale (mmartindale@csisd.org)

Bryan Hanna (bryan.hanna@westwebblaw.com)

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FACSIMILE: (979) 694-8000

280 ADDIE ROY RD., SUITE 110
AUSTIN, TEXAS 78746-4111
TELEPHONE: (512) 501-3617

WEB SITE: <http://www.westwebblaw.com>

Writer's e-mail: mike.gentry@westwebblaw.com

November 26, 2014

+ Partner

*** BOARD CERTIFIED
ESTATE PLANNING AND PROBATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

Via EMAIL at chuck@ellisonlaw.com

Chuck Ellison
The Ellison Firm
302 Holleman Dr. East, Suite 76
College Station, TX 77840-7000

Re: Sewer Easement – Deacon Drive/Towers Parkway

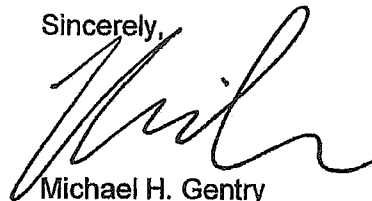
Dear Chuck:

This letter is to confirm our understanding that your client, David Scarmardo, on behalf of DWS Development, Inc., no longer desires to procure a sewer easement on College Station Independent School District ("CSISD") property located at Deacon Drive and Towers Parkway, and has identified an alternate easement opportunity.

Accordingly, my client, CSISD, has asked me to close the file on this matter, and confirm with you that the proposed Joint Development Agreement executed by CSISD is void.

Thank you for your efforts on this matter.

Sincerely,



Michael H. Gentry

cc: ***Via Email barbara@ellisonlaw.com***

Barbara Giesenschlag
The Ellison Firm
302 Holleman Dr. East, Suite 76
College Station, TX 77840-7000

Via Email cealy@csisd.org

Clark Ealy
College Station Independent School District
1812 Welsh Avenue
College Station, Texas 77840

Via Email gwalker@csisd.org

Glynn Walker
College Station Independent School District
1812 Welsh Avenue
College Station, Texas 77840